

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**ISABELLA BERNAL, Individually and
On Behalf of All Others Similarly
Situated,**

Plaintiff,

v.

**BACKSLIDERS, LLC D/B/A SOUTH
AUSTIN BEER GARDEN, DAVID B.
PEARCE AND RYAN THOMAS,**

Defendants

Civil Action No. 1:23-cv-00471-DAE

ORDER

Before the Court is the Joint Stipulated Motion for Court-Authorized Notice filed by the parties to this lawsuit (“Stipulated Motion”). Having considered the same, and the evidence and argument presented, if any, it is the opinion of this Court that the Stipulated Motion should be in all things granted.

Accordingly, it is therefore ORDERED that notice of this lawsuit shall be distributed to the following persons (the “Putative Class Members”):

All current and former bartenders and barbacks employed by Backsliders, LLC dba “South Austin Beer Garden” for at least one week during the three-year period preceding the date this Order is signed and who were paid a direct cash wage of less than the minimum wage during such period.

It is further ORDERED that the Court authorizes the expedited issuance of the Notice of Collective Action and Consent Form attached as Exhibit 1 to the Stipulated Motion, to be delivered or otherwise disseminated to the Putative Class Members by first class mail and/or electronic mail and on a webpage solely dedicated to disseminating the Notice of Collective Action and Consent Form, with such webpage offering the option of electronic signatures.

It is further ORDERED that the Court authorizes the expedited issuance of email and/or text Notice in the form attached as Exhibit 2 to the Parties’ Stipulated Motion.

It is further ORDERED that, prior to sending to any Putative Class Members the Notice of Collective Action and Consent Forms attached as Exhibit 1 to the Stipulated Motion or the email and/or text Notice attached as Exhibit 2 to the Stipulated Motion (together, the “Court-Authorized Notices”), counsel for Plaintiff may contact Putative Class Members by telephone to verify mailing addresses or email addresses. Under no circumstances may Plaintiff’s counsel contact Putative Class Members by telephone after any of the Court-Authorized Notices have been sent to any Putative Class Members, except for those Putative Class Members who choose to join the collective action or who have initiated contact with Plaintiff’s counsel.

It is further ORDERED that Plaintiff is authorized to maintain a website limited to the content of Exhibit 1 which offers Putative Class Members the option to consent to join this collective action through the use of electronic signatures.

It is further ORDERED that the Parties shall comply with the following schedule:

No later than 14 days from the date of this Order	Defendants shall provide to counsel for Plaintiff the following information regarding all Putative Class Members (the “Class Information”): full name; last known mailing address(es) with city, state, and Zip Code; all known email address(es); beginning date(s) of employment; ending date(s) of employment (if applicable); locations worked; and all known telephone number(s), with such information to be provided in Excel (.xlsx) format.
Within 14 days of receiving the Class Information for all Putative Class Members	Plaintiff’s counsel shall send the Court-approved Notice and Consent Form (Exhibit 1) to the Putative Class Members by First Class U.S. Mail and/or electronic mail; Plaintiff’s counsel may send the Court-Approved Notice (Exhibit 2) through text message and email; and Plaintiff’s counsel may maintain a webpage limited to the content of Exhibit 1 with the option to sign electronically.
Within 3 days following the date that the Court-Authorized Notice is sent.	Plaintiff’s counsel shall file an Advisory with the Court indicating the date that the Court-Authorized Notices were sent by Plaintiff’s counsel.
No sooner than 30 days after the date the date that Court-Authorized Notice is sent	Plaintiff’s counsel may send reminder notices to Putative Class Members who have not yet responded to the Court-Authorized Notice. Plaintiff’s counsel may send such reminder notice by sending the form of the notice attached as Exhibit 1 via First Class U.S. Mail and by sending the form

	of the notice attached as Exhibit 2 via email and/or text message.
60 days after the date the that the Court-Authorized Notice is sent.	The Putative Class Members shall have 60 days to return their signed Consent to Join forms to Plaintiff's counsel (the "Notice Period").
No later than 15 days after the close of the Notice Period	Plaintiff's counsel shall file with the Court all signed Consents to Join.

SO ORDERED; signed December 12, 2023.



HONORABLE DAVID A. EZRA
UNITED STATES DISTRICT JUDGE